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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,281	09/15/2000	Donald Keech Winston	A00291 US (98148.12)	2692
22191	7590	04/22/2004	EXAMINER	
GREENBERG-TRAURIG 1750 TYSONS BOULEVARD, 12TH FLOOR MCLEAN, VA 22102			SON, LINH L D	
			ART UNIT	PAPER NUMBER
			2135	10
DATE MAILED: 04/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/663,281

Applicant(s)

WINSTON, DONALD KEECH

Examiner

Linh LD Son

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on May 24<sup>th</sup>, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) 14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/01/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Examiner considered the second preliminary amendment received on May 24<sup>th</sup>, 2001.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarpola et al (US/5926764) in view of Julius Caesar, and further in view of Brandman (US/5974144), and further in view of Ala-Laurila et al (US/6704789).
4. As per claims 1, 7, 8, and 20, Sarpola et al disclose a "Method for establishing a telecommunication connection" invention, which includes electronic computer (Col 1 lines 26-35) that is operable to communicate with the electronic computer (Col 1 lines 20-45). The electronic computer also includes identification code to transmit to the electronic computer (Col 7 lines 15-50) for authentication purpose. The electronic computers are the subscriber and the base station, the authenticating party. Sapola et al teach the method to authenticate a subscriber in a network by first sending the subscriber an authentication\_request message. The subscriber then responds to the message with an authentication\_respond message. The

content will be checked by the base station to authenticate the subscriber and if successful the subscriber will get connected to the network (Col 7 lines 22-55).

The Authentication\_request message is considered to be a pseudo-random string of characters or/and number. For this reason, it could also have at least one character that is representative of some condition of the data relating to the person (Ala-Laurila et al, Col 7 lines 20-25)

However, Sarpola et al do not teach the use of sending a pseudo-random string and applying the mask code to the pseudo-random string in accordance with the predetermined rules, and in which a positive identification is made when the volatile identification codes are found to match by the electronic computer, wherein the pseudo-random string comprises a first linear array of characters, each character having a given numerical position in the first array (first, second, third etc.), and wherein the mask code comprises a second linear array of numbers, each number having a given numerical position in the second array (first, second, third etc.), the predetermined rules for applying the mask code to the pseudo-random string so as to generate the volatile identification code being sequentially to select numerical positions in the first array on the basis of the numbers in the second array, taken in positional order, and to return the characters thereby selected from the first array in sequence so as to form a third linear array, this third linear array forming the volatile identification code.

Nevertheless, Caesar Cipher method used in Roman time has the feature claimed. Caesar Cipher method use a shifted alphabet linear array to encode the message.

The shifted alphabet linear array is a random string. The message will then be mapped to the numerical position of the alphabet to the shifted alphabet linear array.

The result is a linear array.

Example: Row 1 is the numerical position

Row 2 is the alphabet position

Row 3 is the Caesar shift (3 to the right). It is also the random string.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	A	B	C

The message is "Return to Rome"

The encoded message is "UHWXUA WRURPH"

The Caesar Cipher teaches the method of using a random string to encode the message by the numerical position of the alphabet. The application of using the Caesar Cipher method is included in the Brandman's "System for encryption of partitioned data blocks utilizing public key methods and random numbers" invention. Brandman use the Caesar Cipher method to scramble the block of the data (also a linear array) before sending it to the user (Col 3 line 50 to Col 4 line10).

Therefore, it is obvious at the time the invention was made for one of ordinary skill in the art to incorporate Sarpola et al and Brandman's invention, and Caesar Cipher method to encode the message for privacy.

5. As per claims 2, 3, 10, 11, 16, 17, and 18, Sarpola et al, Julius Caesar, Brandman, and Ala-Laurila et al disclose a system as claimed in claim 1, wherein the specific electronic communications device and the at least one electronic communications device are the same device (Brandman, Col 3 lines 25-38).
6. As per claims 4 and 12, Sarpola et al, Julius Caesar, Brandman, and Ala-Laurila et al disclose a system as claimed in claim 1, wherein the specific communications device is a mobile telephone, a pager or a personal digital assistant (Brandman, Col 1 lines 25-35).
7. As per claims 5, 13, and 19, Sarpola et al, Julius Caesar, Brandman, and Ala-Laurila et al disclose a system as claimed in claim 3, wherein the at least one electronic communications device is an EFTPOS terminal or the like (Brandman, Col 1 lines 25-35).
8. As per claims 9 and 21, Sarpola et al, Julius Caesar, Brandman, and Ala-Laurila et al disclose a method according to claim 8. However, Sarpola et al, Julius Caesar, Brandman, and Ala-Laurila et al do not teach the pseudo-random string contains at least one character that is representative of some condition of the data relating to the person. Nevertheless, Ala-Laurila et al do include the use of the random string containing data relating to the person (Col 7 lines 20-25). Therefore, it is obvious

at the time of the invention was made for one of ordinary skill in the art to incorporate the feature to identify the random string.

9. As per claim 6, Sarpola et al, Julius Caesar, Brandman, and Ala-Laurila et al disclose a system as claimed in claim 1, wherein the permanent identification code is supplied in the form of a card bearing human and/or machine-readable indicia (Ala-Laurila et al, Col 9 lines 43-54).

## Conclusion

10. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (703)-305-8914 or Fax to 703-746-9821.
11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (703)-305-4393. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)-305-9600.

Linh LD Son

Patent Examiner

